



**BEFORE THE DISCIPLINARY COMMISSION
OF THE SUPREME COURT OF ARIZONA**

IN THE MATTER OF A SUSPENDED MEMBER)
OF THE STATE BAR OF ARIZONA,)

CHRISTOPHER G.B. SHANK,)
Bar No. 015293)

RESPONDENT.)

No. 99-1946

**DISCIPLINARY COMMISSION
REPORT**

This matter came before the Disciplinary Commission of the Supreme Court of Arizona on October 8, 2003, pursuant to Rule 53(d) Ariz. R. S. Ct., for consideration of the Hearing Officer's Report filed June 2, 2002 recommending disbarment retroactive to August 14, 2002, the date of Respondent's interim suspension pursuant to Rule 57 Conviction of a Felony and costs.

On June 10, 2003, the Respondent filed an Objection to the Hearing Officer's Report and Recommendation. Thereafter, on July 17, 2003, the Respondent filed a Consent to Disbarment. A final Judgment and Order of Disbarment and Costs was entered by the court on July 23, 2003. Respondent then filed an Objection to Form of Judgment and Order or Notice of Withdrawal of Consent to Disbarment on July 25, 2003. On September 11, 2003, the court granted the Withdrawal of Consent to Disbarment, vacated its Order filed July 23, 2003, reinstated the Order of Interim Suspension effective August 14, 2000, and remanded the matter to the Disciplinary Commission.

The matter was set for Executive Session and the parties filed Opening and Responsive briefs. The State Bar supported the Hearing Officer's recommendation of disbarment but opposed the retroactivity. Respondent appealed the Hearing Officer's

1 recommendation stating that a 4-year retroactive suspension is the appropriate sanction
2 based on the ABA *Standards for Imposing Lawyer Discipline* and the proportionality of
3 discipline imposed in other jurisdictions. Neither party requested oral argument.

4 **Decision**

5 The eight¹ members of the Commission unanimously recommend adopting the
6 Hearing Officer's Findings of Fact, Conclusions of Law and incorporating by reference the
7 Report and Recommendation providing for disbarment retroactive to August 14, 2000² and
8 costs of these disciplinary proceedings.
9

10 RESPECTFULLY SUBMITTED this 11th day of November 2003.

11
12 Craig B. Mehrens /cm
13 Craig B. Mehrens, Vice-Chair
Disciplinary Commission

14 Original filed with the Disciplinary Clerk
15 this 20th day of November 2003.

16 Copy of the foregoing mailed
17 this 20th day of November 2003 to:

18 Jeffrey Messing
19 Hearing Officer 9X
20 2999 North 44th Street, Suite 500
Phoenix, AZ 85018-7252

21 Michael P. Denea
22 Respondent's Counsel
3003 N. Central Ave., Suite 1800
Phoenix, AZ 85003-2126

23 Copy of the foregoing hand-delivered
24 this 20th day of November 2003 to:

25
26 ¹ Commissioner Funkhouser recused. Maria Hoffman, a former commissioner and public
27 member from Tucson, participated as an ad hoc member. Additionally, Helen Purcell, a
public member from Tucson, participated as an ad hoc member.

28 ² The effective date of Respondent's interim suspension.

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John A. Furlong
Bar Counsel
State Bar of Arizona
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Phoenix, AZ 85003-1742

By K. Weigand
/mps